

Before the
Federal Communications Commission
Washington, DC 20554

In re Application of

EASTERN SIERRA BROADCASTING

For a New FM Translator Station to
Serve Carson City, Nevada

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File No. BNPFT- 20130829AIJ
Facility No. 148598

Filed with: **Office of the Secretary**
Directed to: **Chief, Media Bureau**

OPPOSITION TO SUPPLEMENT TO PETITION TO DENY

Eastern Sierra Broadcasting, by its attorney, hereby submits its Opposition to the “Supplement to Petition to Deny of Shamrock Communications, Inc.,” filed by Shamrock Communications, Inc. (“Shamrock”). With respect thereto, the following is stated:

Shamrock implicitly concedes that the Eastern Sierra application, as amended, is in full compliance with the protection requirements of Section 74.1204(a). Nevertheless, it makes essentially three arguments in support of its Petition: (1) it claims that the directional pattern proposed by Eastern Sierra cannot be generated by its proposed antenna; (2) it claims the proposal would cause interference in violation of Section 74.1204(f) of the Commission’s rules; and (3) it claims that Eastern Sierra “tacitly concedes” that its original application lacked rebroadcast permission. Each of these matters can be rebutted in very brief fashion.

As to its first claim, rather than debate the functionality of the previously proposed Cablewave antenna, Eastern Sierra has now amended its application to propose a custom made antenna which will match the pattern being proposed in the application. A major manufacturer, to be determined at a later date, will be approached to construct the antenna, which will ensure that the pattern properly is generated. That should resolve once and for all the first issue raised by Shamrock.

As to the second issue, all Shamrock does is vaguely reference alleged listeners in its listening area. As such, it fails totally to support its claim that the proposal will violate Section 74.1204(f) of the Commission’s rules. *Richard J. Bodorff*, 27 FCC Rcd 7870, 4872 (MB 2012); *Apple 107.1, Inc.*, 28 FCC

Rcd 15722, 15728 (MB 2013). Therefore, in this regard, as well, the Shamrock Petition fails to present a substantial and material question of fact regarding the Eastern Sierra application.

As to the last claim, Eastern Sierra attaches an email again confirming its original and ongoing retransmission consent. Attachment 1. This was filed as a part of an amendment to the Eastern Sierra application to demonstrated compliance previously, and since it evidently was overlooked, is being resubmitted here.

WHEREFORE, it is respectfully requested that this Supplement to Petition to Deny be denied or dismissed.

Respectfully submitted,

**EASTERN SIERRA
BROADCASTING**

By:



Dan J. Alpert

Its Attorney

March 4, 2014

Attachment 1

Educational Media Foundation

5700 West Oaks Boulevard ♦ Rocklin ♦ California ♦ 95765

January 13, 2014

Antonio Cesar Guel
Eastern Sierra Broadcasting

Dear Mr. Guel,

This letter is to confirm previous oral consent that Educational Media Foundation ("EMF") hereby gives Eastern Sierra Broadcasting ("ESB") permission to retransmit the signal of station KLRH(FM), Sparks, NV on a proposed FM translator on Channel 281 at Carson City NV, Facility ID: 148598 (the "Station"). ESB recognizes that EMF will not pay ESB any monetary consideration for the rebroadcast of the signal of KLRH on the Station. ESB agrees to rebroadcast the signal of KLRH on the facilities of the Station without interruption, deletion or addition of any kind and that ESB shall provide the required station identification by FSK.

Nothing herein contained shall be construed as an assignment or grant to ESB of any right, title or interest in or to any titles, names, logos, slogans, jingles, trademarks, copyrights, ideas, formulas, general program content and/or other literary, musical, artistic or creative material broadcast by or associated with the KLRH programming format or EMF beyond the grant of a limited rebroadcast consent on the terms herein specified.

You agree to notify EMF prior to the commencement of KLRH programming with the anticipated time said programming will commence, confirm the time of actual commencement and notify EMF when programming is terminated.

EMF reserves the right to revoke this authorization at any time for any reason.

Educational Media Foundation

By: 
Its VP Simon Development

Agreed and Acknowledged:

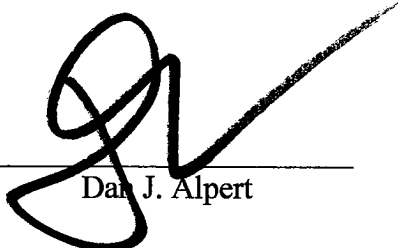
By:

Eastern Sierra Broadcasting

CERTIFICATE OF SERVICE

The forgoing Statement for the Record is being served on the following:

Kenneth E. Satten
Rosemary C. Harold
Wilkinson Barker Knauer, LLP
2300 N Street, N.W.
Suite 700
Washington, DC 20037



Dan J. Alpert